

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

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FILE: B-212696**DATE:** September 13, 1983**MATTER OF:** Lips Doran**DIGEST:**

1. GAO does not review affirmative determinations of responsibility except in limited circumstances not applicable here.
2. Protest that potential awardee might not comply with contract requirements based on prior agency acceptance of nonconforming item involves contract administration and compliance and is not for resolution under GAO's Bid Protest Procedures.

Lips Doran protests the possible award of a contract to the apparent low bidder under solicitation No. N00024-83-B-4324, issued by the Naval Sea Systems Command. The protester contends that the apparent low bidder might not be able to meet the delivery schedule and will not provide item No. 0003 in accordance with the specifications, but supply an item based on a design variation which allows a significant reduction in weight with a resulting reduction in cost. In regard to this variation, Lips Doran suspects that it was allowed on a prior contract. Lips Doran requests that this Office conduct an investigation to determine if the design variation was allowed on the prior contract. We dismiss the protest.

Concerning the possibility that the apparent low bidder will not be able to meet the delivery schedule, Lips Doran does not suggest that the apparent low bidder took any exception to the delivery requirements. The bid, therefore, was responsive in this respect; that is, it represented an unqualified offer to meet the delivery requirements. The question of whether the bidder can, if awarded the contract, meet the delivery requirements of a contract is a matter of responsibility, and we will not review an agency's affirmative determination of responsibility except under circumstances not applicable here. See NGC Investment and Development Corp., B-209982, January 13, 1983, 83-1 CPD 36.

Regarding the allegation that the apparent low bidder might provide a nonconforming item No. 0003 previously accepted by the agency, we have held that such matters

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involve contract administration and compliance and are for consideration by the contracting agency, not our Office under its Bid Protest Procedures. See Jonard Industries Corp., B-206774, May 5, 1982, 82-1 CPD 426; Central Texas Word Processing, Inc., B-211119, March 30, 1983, 83-1 CPD 334; Control Technology Co., Inc., B-210860, March 14, 1983, 83-1 CPD 254.

Harry R. Van Cleve
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Acting General Counsel